

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City District
FILE NUMBER: 200401217

REGULATORY PROJECT MANAGER: Kenny Edgecomb **Date:** 11 May 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office ___ (Y/N) **Date:** _____
 At the project site Y (Y/N) **Date:** 15 April 2004

PROJECT LOCATION INFORMATION:

State: Kansas
County: Linn
Center coordinates of site by latitude & longitudinal coordinates: Lat 38-10-33 Long 94-36-52
Approximate size of site/property (including uplands & in acres): 313
Name of waterway or watershed: Drainage of Coal Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)				XXX					

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			XXX		
Is or would be used as habitat by other migratory birds that cross state lines?			XXX		
Is or would be used as habitat for endangered species?		XXX			
Is used to irrigate crops sold in interstate commerce?		XXX			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ___ Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

The site is 313 acres containing several abandoned open pit coal mines. The area is on a terrace of Mine Creek, a tributary to Coal Creek, then the Osage River. It is at the top of several small watersheds. It was determined that two connected pits totally 5 to 10 acres were connected to a tributary to Mine Creek and therefore jurisdictional. A stream on the east edge of the tract flows north east to Coal Creek. Seven other pits totaling 5 to 10 acres were determined to be isolated and therefore non-jurisdictional. Five of these pits are deep ponds surrounded by high spoil piles and no outlet. Two pits in the northeast corner of the tract drains to the north under a gravel road and dissipate into sheet flow in a grassy swale of a pasture.